

HOUSE BILL No. 1240

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-1-7; IC 25-23-1; IC 25-23.3.

Synopsis: Interstate nurse licensure compact. Establishes the interstate nurse licensure compact. Provides that the state board of nursing may issue by endorsement a license to practice as a registered nurse if the applicant completes the Canadian Registered Nurse Examination. Requires part of the examination and registration fees collected by the board to be used for the rehabilitation of impaired registered nurses and impaired licensed practical nurses. Establishes the amount of fees to be deposited in the impaired nurses account. Makes conforming changes. Repeals a provision that abolishes and transfers the rights, powers, and duties of the state board of examination and registration of nurses.

Effective: July 1, 2007.

Welch, Brown C, Borror

January 11, 2007, read first time and referred to Committee on Public Health.

C
o
p
y



Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1240

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-1-7-9 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2007]: Sec. 9. A board member is disqualified
3 from any consideration of the case if the board member filed the
4 complaint or participated in negotiations regarding the complaint. The
5 board member is not disqualified from the board's final determination
6 solely because the board member was the hearing officer or determined
7 the complaint and the information pertaining to the complaint was
8 current significant investigative information (as defined by
9 ~~IC 25-23.2-1-5~~; **IC 25-23.3-2-6**).

10 SECTION 2. IC 25-1-7-10 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) All complaints
12 and information pertaining to the complaints shall be held in strict
13 confidence until the attorney general files notice with the board of the
14 attorney general's intent to prosecute the licensee.

15 (b) A person in the employ of the office of attorney general or any
16 of the boards, or any person not a party to the complaint, may not
17 disclose or further a disclosure of information concerning the

2007

IN 1240—LS 7259/DI 110+



C
o
p
y

complaint unless the disclosure is required:

(1) under law; or

(2) for the advancement of an investigation.

~~(c) Notwithstanding subsections (a) and (b), under IC 25-23.2 the state board of nursing may disclose to the coordinated licensure information system (as defined by IC 25-23.2-1-4) complaints and information concerning complaints that the board determines to be current significant investigative information (as defined by IC 25-23.2-1-5).~~

(c) Notwithstanding subsections (a) and (b), under IC 25-23.3 the state board of nursing may disclose to the coordinated licensure information system (as defined in IC 25-23.3-2-5) complaints and information concerning complaints that the board determines to be current significant investigative information (as defined in IC 25-23.3-2-6).

SECTION 3. IC 25-23-1-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.1. (a) As used in this chapter, "registered nurse" means a person who holds a valid license issued:

~~(1) under this chapter; or~~

~~(2) by a party state (as defined in IC 25-23.2-1-11);~~

(2) by a party state (as defined in IC 25-23.3-2-12); and

who bears primary responsibility and accountability for nursing practices based on specialized knowledge, judgment, and skill derived from the principles of biological, physical, and behavioral sciences.

(b) As used in this chapter, "registered nursing" means performance of services which include but are not limited to:

(1) assessing health conditions;

(2) deriving a nursing diagnosis;

(3) executing a nursing regimen through the selection, performance, and management of nursing actions based on nursing diagnoses;

(4) advocating the provision of health care services through collaboration with or referral to other health professionals;

(5) executing regimens delegated by a physician with an unlimited license to practice medicine or osteopathic medicine, a licensed dentist, a licensed chiropractor, a licensed optometrist, or a licensed podiatrist;

(6) teaching, administering, supervising, delegating, and evaluating nursing practice;

(7) delegating tasks which assist in implementing the nursing, medical, or dental regimen; or

C
o
p
y



(8) performing acts which are approved by the board or by the board in collaboration with the medical licensing board of Indiana.

(c) As used in this chapter, "assessing health conditions" means the collection of data through means such as interviews, observation, and inspection for the purpose of:

- (1) deriving a nursing diagnosis;
- (2) identifying the need for additional data collection by nursing personnel; and
- (3) identifying the need for additional data collection by other health professionals.

(d) As used in this chapter, "nursing regimen" means preventive, restorative, maintenance, and promotion activities which include meeting or assisting with self-care needs, counseling, and teaching.

(e) As used in this chapter, "nursing diagnosis" means the identification of needs which are amenable to nursing regimen.

SECTION 4. IC 25-23-1-1.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.2. As used in this chapter, "licensed practical nurse" means a person who holds a valid license issued under this chapter ~~or by a party state (as defined in IC 25-23.2-1-11)~~ or by a party state (as defined in IC 25-23.3-2-12) and who functions at the direction of:

- (1) a registered nurse;
- (2) a physician with an unlimited license to practice medicine or osteopathic medicine;
- (3) a licensed dentist;
- (4) a licensed chiropractor;
- (5) a licensed optometrist; or
- (6) a licensed podiatrist;

in the performance of activities commonly performed by practical nurses and requiring special knowledge or skill.

SECTION 5. IC 25-23-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The board shall do the following:

- (1) Adopt under IC 4-22-2 rules necessary to enable it to carry into effect this chapter.
- (2) Prescribe standards and approve curricula for nursing education programs preparing persons for licensure under this chapter.
- (3) Provide for surveys of such programs at such times as it considers necessary.
- (4) Accredited such programs as meet the requirements of this

C
o
p
y



chapter and of the board.

(5) Deny or withdraw accreditation from nursing education programs for failure to meet prescribed curricula or other standards.

(6) Examine, license, and renew the license of qualified applicants.

(7) Issue subpoenas, compel the attendance of witnesses, and administer oaths to persons giving testimony at hearings.

(8) Cause the prosecution of all persons violating this chapter and have power to incur necessary expenses for these prosecutions.

(9) Adopt rules under IC 4-22-2 that do the following:

(A) Prescribe standards for the competent practice of registered, practical, and advanced practice nursing.

(B) Establish with the approval of the medical licensing board created by IC 25-22.5-2-1 requirements that advanced practice nurses must meet to be granted authority to prescribe legend drugs and to retain that authority.

(C) Establish, with the approval of the medical licensing board created by IC 25-22.5-2-1, requirements for the renewal of a practice agreement under section 19.4 of this chapter, which shall expire on October 31 in each odd-numbered year.

(10) Keep a record of all its proceedings.

(11) Collect and distribute annually demographic information on the number and type of registered nurses and licensed practical nurses employed in Indiana.

~~(12) Adopt rules and administer the interstate nurse licensure compact under IC 25-23.2.~~

(12) Adopt rules and administer the interstate nurse licensure compact under IC 25-23.3.

(b) The board may do the following:

(1) Create ad hoc subcommittees representing the various nursing specialties and interests of the profession of nursing. Persons appointed to a subcommittee serve for terms as determined by the board.

(2) Utilize the appropriate subcommittees so as to assist the board with its responsibilities. The assistance provided by the subcommittees may include the following:

(A) Recommendation of rules necessary to carry out the duties of the board.

(B) Recommendations concerning educational programs and requirements.

(C) Recommendations regarding examinations and licensure

C
o
p
y



of applicants.

(3) Appoint nurses to serve on each of the ad hoc subcommittees.

~~(4) Withdraw from the interstate compact under IC 25-23.2.~~

(4) Withdraw from the interstate nurse licensure compact under IC 25-23.3.

(c) Nurses appointed under subsection (b) must:

(1) be committed to advancing and safeguarding the nursing profession as a whole; and

(2) represent nurses who practice in the field directly affected by a subcommittee's actions.

SECTION 6. IC 25-23-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) Any person who applies to the board for a license to practice as a registered nurse must:

(1) not have:

(A) been convicted of a crime that has a direct bearing on the person's ability to practice competently; or

(B) committed an act that would constitute a ground for a disciplinary sanction under IC 25-1-9;

(2) have completed:

(A) the prescribed curriculum and met the graduation requirements of a state accredited program of registered nursing that only accepts students who have a high school diploma or its equivalent as determined by the board; or

(B) the prescribed curriculum and graduation requirements of a nursing education program in a foreign country that is substantially equivalent to a board approved program as determined by the board. The board may by rule adopted under IC 4-22-2 require an applicant under this subsection to successfully complete an examination approved by the board to measure the applicant's qualifications and background in the practice of nursing and proficiency in the English language; and

(3) be physically and mentally capable of and professionally competent to safely engage in the practice of nursing as determined by the board.

The board may not require a person to have a baccalaureate degree in nursing as a prerequisite for licensure.

(b) The applicant must pass an examination in such subjects as the board may determine.

(c) The board may issue by endorsement a license to practice as a registered nurse to an applicant who has been licensed as a registered nurse, by examination, under the laws of another state if the applicant

C
o
p
y



1 presents proof satisfactory to the board that, at the time that the
 2 applicant applies for an Indiana license by endorsement, the applicant
 3 holds a current license in another state and possesses credentials and
 4 qualifications that are substantially equivalent to requirements in
 5 Indiana for licensure by examination. The board may specify by rule
 6 what constitutes substantial equivalence under this subsection.

7 (d) The board may issue by endorsement a license to practice as a
 8 registered nurse to an applicant who:

9 (1) has completed the English version of the:

10 (A) Canadian Nurse Association Testing Service Examination

11 (CNAT); or

12 (B) Canadian Registered Nurse Examination (CRNE);

13 (2) achieved the passing score required on the examination at the
 14 time the examination was taken;

15 (3) is currently licensed in a Canadian province or in another
 16 state; and

17 (4) meets the other requirements under this section.

18 (e) Each applicant for examination and registration to practice as a
 19 registered nurse shall pay a fee set by the board, ~~The board may set a~~
 20 ~~proctoring fee to be paid by applicants who are graduates of a state~~
 21 ~~accredited school in another state; a part of which must be used for~~
 22 **the rehabilitation of impaired registered nurses and impaired**
 23 **licensed practical nurses.** Payment of the fee or fees shall be made by
 24 the applicant prior to the date of examination. ~~The lesser of the~~
 25 **following amounts from fees collected under this subsection shall**
 26 **be deposited in the impaired nurses account of the state general**
 27 **fund established by section 34 of this chapter:**

28 (1) Twenty-five percent (25%) of the license application fee
 29 per license applied for under this section.

30 (2) ~~The cost per license to operate the impaired nurses~~
 31 ~~program, as determined by the Indiana professional licensing~~
 32 ~~agency.~~

33 (f) Any person who holds a license to practice as a registered nurse
 34 in:

35 ~~(1) Indiana; or~~

36 ~~(2) a party state (as defined in IC 25-23.2-1-11);~~

37 **(2) a party state (as defined in IC 25-23.3-2-12);**

38 may use the title "Registered Nurse" and the abbreviation "R.N.". No
 39 other person shall practice or advertise as or assume the title of
 40 registered nurse or use the abbreviation of "R.N." or any other words,
 41 letters, signs, or figures to indicate that the person using same is a
 42 registered nurse.

C
o
p
y



SECTION 7. IC 25-23-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) A person who applies to the board for a license to practice as a licensed practical nurse must:

(1) not have been convicted of:

(A) an act which would constitute a ground for disciplinary sanction under IC 25-1-9; or

(B) a crime that has a direct bearing on the person's ability to practice competently;

(2) have completed:

(A) the prescribed curriculum and met the graduation requirements of a state accredited program of practical nursing that only accepts students who have a high school diploma or its equivalent, as determined by the board; or

(B) the prescribed curriculum and graduation requirements of a nursing education program in a foreign country that is substantially equivalent to a board approved program as determined by the board. The board may by rule adopted under IC 4-22-2 require an applicant under this subsection to successfully complete an examination approved by the board to measure the applicant's qualifications and background in the practice of nursing and proficiency in the English language; and

(3) be physically and mentally capable of, and professionally competent to, safely engage in the practice of practical nursing as determined by the board.

(b) The applicant must pass an examination in such subjects as the board may determine.

(c) The board may issue by endorsement a license to practice as a licensed practical nurse to an applicant who has been licensed as a licensed practical nurse, by examination, under the laws of another state if the applicant presents proof satisfactory to the board that, at the time of application for an Indiana license by endorsement, the applicant possesses credentials and qualifications that are substantially equivalent to requirements in Indiana for licensure by examination. The board may specify by rule what shall constitute substantial equivalence under this subsection.

(d) Each applicant for examination and registration to practice as a practical nurse shall pay a fee set by the board, ~~The board may set a proctoring fee to be paid by applicants who are graduates of a state accredited school in another state: a part of which must be used for the rehabilitation of impaired registered nurses and impaired~~

C
o
p
y



1 **licensed practical nurses.** Payment of the fees shall be made by the
 2 applicant before the date of examination. **The lesser of the following**
 3 **amounts from fees collected under this subsection shall be**
 4 **deposited in the impaired nurses account of the state general fund**
 5 **established by section 34 of this chapter:**

6 (1) **Twenty-five percent (25%) of the license application fee**
 7 **per license applied for under this section.**

8 (2) **The cost per license to operate the impaired nurses**
 9 **program, as determined by the Indiana professional licensing**
 10 **agency.**

11 (e) Any person who holds a license to practice as a licensed
 12 practical nurse in:

13 ~~(1) Indiana; or~~ **(1) Indiana; or**

14 ~~(2) a party state (as defined in IC 25-23.2-1-11);~~

15 **(2) a party state (as defined in IC 25-23.3-2-12);**

16 may use the title "Licensed Practical Nurse" and the abbreviation
 17 "L.P.N.". No other person shall practice or advertise as or assume the
 18 title of licensed practical nurse or use the abbreviation of "L.P.N." or
 19 any other words, letters, signs, or figures to indicate that the person
 20 using them is a licensed practical nurse.

21 SECTION 8. IC 25-23-1-16.1, AS AMENDED BY P.L.1-2006,
 22 SECTION 451, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2007]: Sec. 16.1. (a) A license to practice as a
 24 registered nurse expires on October 31 in each odd-numbered year.
 25 Failure to renew the license on or before the expiration date will
 26 automatically render the license invalid without any action by the
 27 board.

28 (b) A license to practice as a licensed practical nurse expires on
 29 October 31 in each even-numbered year. Failure to renew the license
 30 on or before the expiration date will automatically render the license
 31 invalid without any action by the board.

32 (c) The procedures and fee for renewal shall be set by the board.

33 (d) At the time of license renewal, each registered nurse and each
 34 licensed practical nurse shall pay a renewal fee, a portion of which
 35 shall be for the rehabilitation of impaired registered nurses and
 36 impaired licensed practical nurses. The lesser of the following amounts
 37 from fees collected under this subsection shall be deposited in the
 38 impaired nurses account of the state general fund established by section
 39 34 of this chapter:

40 (1) ~~Sixteen percent (16%)~~ **Twenty-five percent (25%)** of the
 41 license renewal fee per license renewed under this section.

42 (2) The cost per license to operate the impaired nurses program,

C
o
p
y



as determined by the Indiana professional licensing agency.

SECTION 9. IC 25-23-1-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 27. A person who:

- (1) sells or fraudulently obtains or furnishes any nursing diploma, license, or record;
- (2) practices nursing under cover of any diploma or license or record illegally or fraudulently obtained or assigned or issued unlawfully or under fraudulent representation;
- (3) practices nursing as a registered nurse or licensed practical nurse unless licensed to do so under this chapter ~~or under IC 25-23-2;~~ **or under IC 25-23.3;**
- (4) uses in connection with the person's name any designation tending to imply that the person is a registered nurse or a licensed practical nurse unless licensed to practice under this chapter ~~or under IC 25-23-2;~~ **or under IC 25-23.3;**
- (5) practices nursing during the time the person's license issued under this chapter ~~or under IC 25-23-2~~ **or under IC 25-23.3** is suspended or revoked;
- (6) conducts a school of nursing or a program for the training of practical nurses unless the school or program has been accredited by the board; or
- (7) otherwise violates this chapter;

commits a Class B misdemeanor.

SECTION 10. IC 25-23-1-34, AS AMENDED BY P.L.1-2006, SECTION 454, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 34. (a) The impaired nurses account is established within the state general fund for the purpose of providing money for providing rehabilitation of impaired registered nurses or licensed practical nurses under this article. The account shall be administered by the Indiana professional licensing agency.

(b) Expenses of administering the account shall be paid from money in the account. The account consists of the following:

- (1) Funds collected for the rehabilitation of impaired registered nurses and impaired licensed practical nurses under ~~section~~ **sections 11(e), 12(d), and 16.1(d)** of this chapter.
- (2) Funds collected under section 31(c)(2) of this chapter.
- ~~(3) Funds collected for the rehabilitation of impaired registered nurses and impaired licensed practical nurses under IC 25-23-2-3-5.~~
- ~~(4)~~ **(3)** Fines collected from registered nurses or licensed practical nurses under IC 25-1-9-9(a)(6).

(c) The treasurer of state shall invest the money in the account not

C
o
p
y



currently needed to meet the obligations of the account in the same manner as other public money may be invested.

(d) Money in the account is appropriated to the board for the purpose stated in subsection (a).

SECTION 11. IC 25-23.3 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

ARTICLE 23.3. INTERSTATE NURSE LICENSURE COMPACT

Chapter 1. Purpose

Sec. 1. It is the purpose of this compact to allow qualified nurses who are licensed in a compact state to practice nursing in another compact state and to reduce redundant licensing requirements of nurses who practice in multiple states.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Adverse action" means a home or remote state action.

Sec. 3. "Alternative program" means a voluntary, nondisciplinary monitoring program approved by a nurse licensing board.

Sec. 4. "Board" has the meaning set forth in IC 25-23-1-1.

Sec. 5. "Coordinated licensure information system" means an integrated process:

- (1) for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws; and
- (2) administered by a nonprofit organization composed of and controlled by state nurse licensing boards.

Sec. 6. "Current significant investigative information" means:

- (1) investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or
- (2) investigative information that indicates that the nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and has had an opportunity to respond.

Sec. 7. "Home state" means the party state that is a nurse's primary state of residence.

Sec. 8. "Home state action" means any administrative, civil,

C
o
p
y



equitable, or criminal action permitted by the home state's laws that are imposed on a nurse by the home state's licensing board or other authority, including an action against an individual's license, such as revocation, suspension, probation, or any other action that affects a nurse's authorization to practice.

Sec. 9. "Licensing board" means a party state's regulatory body responsible for issuing nurse licenses.

Sec. 10. "Multistate licensure privilege" means current, official authority from a remote state permitting the practice of nursing as either a registered nurse or a licensed practical/vocational nurse in that party state. All party states have the authority, in accordance with state due process law, to take actions against the nurse's privilege, such as revocation, suspension, probation, or any other action that affects a nurse's authorization to practice.

Sec. 11. "Nurse" means a registered nurse or licensed practical/vocational nurse as defined by the state practice laws of each party state.

Sec. 12. "Party state" means any state that has adopted this compact.

Sec. 13. "Remote state" means a party state, other than the home state:

- (1) where a patient is located at the time nursing care is provided; or
- (2) in the case of the practice of nursing not involving a patient, in a party state where the recipient of nursing practice is located.

Sec. 14. "Remote state action" means:

- (1) any administrative, civil, equitable, or criminal action permitted by a remote state's laws that are imposed on a nurse by the remote state's licensing board or other authority, including actions against an individual's multistate licensure privilege to practice in the remote state; and
- (2) cease and desist and other injunctive or equitable orders issued by remote states or the licensing boards of remote states.

Sec. 15. "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

Sec. 16. "State practice laws" means the individual party state's laws and rules that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. The term does not include the initial

C
o
p
y



1 qualifications for licensure or requirements necessary to obtain
 2 and retain a license, except for qualifications or requirements of
 3 the home state.

4 **Chapter 3. General Provisions and Jurisdiction**

5 **Sec. 1.** A license to practice registered nursing issued by a home
 6 state to a resident in that state shall be recognized by each party
 7 state as authorizing a multistate licensure privilege to practice as
 8 a registered nurse in the party state. A license to practice licensed
 9 practical/vocational nursing issued by a home state to a resident in
 10 that state shall be recognized by each party state as authorizing a
 11 multistate licensure privilege to practice as a licensed
 12 practical/vocational nurse in the party state. To obtain or retain a
 13 license, an applicant must meet the home state's qualifications for
 14 licensure and license renewal and all other applicable state laws.

15 **Sec. 2.** Party states may, in accordance with state due process
 16 laws, limit or revoke the multistate licensure privilege of any nurse
 17 to practice in their state and may take any other actions under
 18 their applicable state laws necessary to protect the health and
 19 safety of their citizens. If a party state takes such an action, it shall
 20 promptly notify the administrator of the coordinated licensure
 21 information system. The administrator of the coordinated licensure
 22 information system shall promptly notify the home state of any
 23 such actions by remote states.

24 **Sec. 3.** A nurse practicing in a party state must comply with the
 25 state practice laws of the state in which a patient is located at the
 26 time care is rendered. In addition, the practice of nursing is not
 27 limited to patient care, but includes all nursing practice as defined
 28 by the state practice laws of a party state. The practice of nursing
 29 subjects a nurse to the jurisdiction of the nurse licensing board, the
 30 courts, and the laws in that party state.

31 **Sec. 4.** This compact does not affect additional requirements
 32 imposed by states for advanced practice registered nursing.
 33 However, a multistate licensure privilege to practice registered
 34 nursing granted by a party state shall be recognized by other party
 35 states as a license to practice registered nursing if a license is
 36 required by state law as a precondition for qualifying for advanced
 37 practice registered nurse authorization.

38 **Sec. 5.** Individuals not residing in a party state continue to be
 39 able to apply for nurse licensure as provided under the laws of
 40 each party state. However, the license granted to these individuals
 41 is not recognized as granting the privilege to practice nursing in
 42 any other party state unless explicitly agreed to by that party state.

**C
o
p
y**



Chapter 4. Applications for Licensure in a Party State

Sec. 1. Upon application for a license, the licensing board in a party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other party state, whether there are any restrictions on the multistate licensure privilege, and whether any other adverse action by any state has been taken against the license.

Sec. 2. A nurse in a party state may hold licensure in only one (1) party state at a time, issued by the home state.

Sec. 3. A nurse who intends to change primary state of residence may apply for licensure in the new home state before the change. However, a new license may not be issued by a party state until a nurse provides evidence of change in primary state of residence satisfactory to the new home state's licensing board.

Sec. 4. (a) If a nurse:

(1) changes primary state of residence by moving between (2) party states; and

(2) obtains a license from the new home state; the license from the former home state is no longer valid.

(b) If a nurse:

(1) changes primary state or residence by moving from a nonparty state to a party state; and

(2) obtains a license from the new home state;

the individual state license issued by the nonparty state is not affected and remains in force if provided by the laws of the nonparty state.

(c) If a nurse changes primary state of residence by moving from a party state to a nonparty state, the license issued by the prior home state converts to an individual state license, valid only in the former home state, without multistate license privilege to practice in other party states.

Chapter 5. Adverse Actions

Sec. 1. The licensing board of a remote state shall promptly report to the administrator of the coordinated licensure information system any remote state actions, including the factual and legal basis for such actions, if known. The licensing board of a remote state shall promptly report any significant current investigative information yet to result in a remote state action. The administrator of the coordinated licensure information system shall promptly notify the home state of any such reports.

Sec. 2. The licensing board of a party state has authority to

**C
o
p
y**



complete any pending investigations for a nurse who changes primary state of residence during the course of such investigations. The licensing board also has authority to take appropriate action and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions.

Sec. 3. A remote state may take adverse action affecting the multistate licensure privilege to practice within that party state. However, only the home state has authority to impose adverse action against the license issued by the home state.

Sec. 4. For purposes of imposing adverse action, the licensing board of the home state shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, it shall apply its own state laws to determine appropriate action.

Sec. 5. The home state may take adverse action based on the factual findings of the remote state, so long as each state follows its own procedures for imposing such adverse action.

Sec. 6. This compact does not override a party state's decision that participation in an alternative program may be used instead of licensure action and that such participation shall remain nonpublic if required by the party state's laws. Party states must require nurses who enter any alternative programs to agree not to practice in any other party state during the term of the alternative program without prior authorization from the other party state.

Chapter 6. Additional Authority Invested in Party State Nurse Licensing Boards

Sec. 1. Notwithstanding any other powers, party state nurse licensing boards may:

- (1) if otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse;
- (2) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a nurse licensing board in a party state for the attendance and testimony of witnesses and the production of evidence from another party state shall be enforced in the latter state by a court with jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending

**C
O
P
Y**



1 before it. The issuing authority shall pay any witness fees,
 2 travel expenses, mileage, and other fees required by the
 3 service statutes of the state where the witnesses and evidence
 4 are located;

5 (3) issue cease and desist orders to limit or revoke a nurse's
 6 authority to practice in their state; and

7 (4) adopt uniform rules as provided for in IC 25-23.3-8-3.

8 Chapter 7. Coordinated Licensure Information System

9 Sec. 1. All party states shall participate in a cooperative effort
 10 to create a coordinated data base of all licensed registered nurses
 11 and licensed practical/vocational nurses. This system includes
 12 information on the licensure and disciplinary history of each nurse,
 13 as contributed by party states, to assist in the coordination of nurse
 14 licensure and enforcement efforts.

15 Sec. 2. Notwithstanding any other law, all party states' licensing
 16 boards shall promptly report adverse actions, actions against
 17 multistate licensure privileges, any current significant investigative
 18 information yet to result in adverse action, denials of applications,
 19 and the reasons for such denials to the coordinated licensure
 20 information system.

21 Sec. 3. Current significant investigative information shall be
 22 transmitted through the coordinated licensure information system
 23 only to party state licensing boards.

24 Sec. 4. Notwithstanding any other law, all party states' licensing
 25 boards contributing information to the coordinated licensure
 26 information system may designate information that may not be
 27 shared with nonparty states or disclosed to other entities or
 28 individuals without the express permission of the contributing
 29 state.

30 Sec. 5. Any personally identifiable information obtained by a
 31 party state's licensing board from the coordinated licensure
 32 information system may not be shared with nonparty states or
 33 disclosed to other entities or individuals except to the extent
 34 permitted by the laws of the party state contributing the
 35 information.

36 Sec. 6. Any information contributed to the coordinated licensure
 37 information system that is subsequently required to be expunged
 38 by the laws of the party state contributing that information shall
 39 also be expunged from the coordinated licensure information
 40 system.

41 Sec. 7. The compact administrators, acting jointly and in
 42 consultation with the administrator of the coordinated licensure

**C
O
P
Y**



1 information system, shall formulate necessary and proper
 2 procedures for the identification, collection, and exchange of
 3 information under this compact.

4 **Chapter 8. Compact Administration and Interchange of**
 5 **Information**

6 **Sec. 1.** The head of the nurse licensing board of each party state,
 7 or that person's designee, shall be the administrator of this
 8 compact for that person's state. For purposes of this article, the
 9 executive director of the Indiana professional licensing agency or
 10 the executive director's designee shall be the administrator of this
 11 compact.

12 **Sec. 2.** The compact administrator of each party state shall
 13 furnish to the compact administrator of each other party state any
 14 information and documents, including, but not limited to, a
 15 uniform data set of investigations, identifying information,
 16 licensure data, and disclosable alternative program participation
 17 information, to facilitate the administration of this compact.

18 **Sec. 3.** Compact administrators may develop uniform rules to
 19 facilitate and coordinate implementation of this compact. These
 20 uniform rules shall be adopted by a board under IC 25-23.3-6-1.

21 **Chapter 9. Immunity**

22 **Sec. 1.** Neither a party state nor an officer, employee, or agent
 23 of a party state's nurse licensing board who acts in accordance
 24 with this compact is liable on account of any act or omission in
 25 good faith while engaged in the performance of duties under this
 26 compact. Good faith in this article does not include willful
 27 misconduct, gross negligence, or recklessness.

28 **Chapter 10. Entry Into Force, Withdrawal, and Amendment**

29 **Sec. 1.** This compact becomes effective as to any state when it
 30 has been enacted into the laws of that state. Any party state may
 31 withdraw from this compact.

32 **Sec. 2.** No withdrawal affects the validity or applicability by the
 33 licensing boards of states remaining party to the compact of any
 34 report of adverse action occurring before the withdrawal.

35 **Sec. 3.** This compact shall not be construed to invalidate or
 36 prevent any nurse licensure agreement or other cooperative
 37 arrangement between a party state and a nonparty state that is
 38 made in accordance with this compact.

39 **Sec. 4.** This compact may be amended by the party states. No
 40 amendment to this compact becomes effective and binding upon
 41 the party states unless and until it is enacted into the laws of all
 42 party states.

C
O
P
Y



Chapter 11. Construction and Severability

Sec. 1. This compact shall be liberally construed to effectuate its purposes. The provisions of this compact are severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or if the applicability of this compact to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability of this compact to any government, agency, person, or circumstance is not affected thereby. If this compact is held contrary to the constitution of any party state, this compact remains in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to a severable matter.

Sec. 2. If party states find a need for settling disputes arising under this compact:

(1) the party states may submit the issues in dispute to an arbitration panel comprised of an individual appointed by the compact administrator in the home state, an individual appointed by the compact administrator in each remote state involved, and an individual mutually agreed upon by the compact administrators of all the party states involved in the dispute; and

(2) the decision of a majority of the arbitrators is final and binding.

Sec. 3. This article expires July 1, 2011.

SECTION 12. IC 25-23-1-28 IS REPEALED [EFFECTIVE JULY 1, 2007].

SECTION 13. [EFFECTIVE JULY 1, 2007] (a) Notwithstanding IC 25-23.3, as added by this act, IC 25-23.3 may not be implemented until July 1, 2008.

(b) The state board of nursing shall, not later than June 30, 2008, adopt rules under IC 4-22-2 to administer IC 25-23.3, as added by this act.

(c) This SECTION expires July 1, 2008.

**C
O
P
Y**

